

MR. TABER: Mr. Chairman, may I be heard further on the point of order?

THE CHAIRMAN: The Chair will be pleased to hear the gentleman further.

MR. TABER: It seems to me the language in this bill is much broader than the language in the enabling act, in that this item may permit action way beyond the range of the enabling act. With reference to particular activities like research with respect to coal, which the Commission may conduct, the Commission undoubtedly has that power; but the language in the provision against which I have made the point of order is not limited to the scope of the act. Under it the Commission may go into any conceivable subject. Therefore, it seems to me this particular language is way beyond the scope of the authorization act. If this language were limited to the scope of the authorization act, of course, it would be in order.

THE CHAIRMAN: The Chair is unable to see how broader terms could be used than are used in the enabling act, which reads:

To assist educational, governmental, and other research institutions in conducting research in coal, and to do such other acts and things as it deems necessary and proper to promote the use of coal and its derivatives.

This provision covers not only educational, governmental, and other research institutions, but such other acts as the Commission may deem necessary.

It seems to the Chair the language of the act is fully as broad as the terms embodied in the pending bill, and, therefore, the Chair overrules the point of order.

## § 16. Federal Employment

### *Overseas Allowances*

#### **§ 16.1 Language in a general appropriation bill providing funds and authority for an overseas allowance for employees of the Foreign Claims Settlement Commission, "similar to the allowance established by law for Foreign Service personnel," was conceded to be unauthorized and not in order in a general appropriation bill.**

On Aug. 26, 1960,<sup>(15)</sup> during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 12740) the following point of order was raised:

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I make a point of order against the language in the bill on page 7, beginning on line 11, running through line 4 on page 8, as being legislation on an appropriation bill. The language referred to is as follows:

#### FOREIGN CLAIMS SETTLEMENT COMMISSION

#### *Salaries and expenses*

For an additional amount for "Salaries and expenses," including allowances and benefits similar to those provided by title nine of the Foreign Service Act of 1946, as amended, as

15. 106 CONG. REC. 17899, 86th Cong. 2d Sess.

determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; hire of passenger motor vehicles abroad; insurance on official motor vehicles abroad; and advances of funds abroad; \$145,000: *Provided*, That the limitation under this head in the General Government Matters Appropriation Act, 1961, on the amount available for expenses of travel, is increased from "\$10,000" to "\$20,000".

THE CHAIRMAN:<sup>(16)</sup> Does the gentleman from Texas desire to be heard on the point of order?

MR. [ALBERT] THOMAS [of Texas]: Mr. Chairman, the gentleman from Iowa is right. This is the first time that these people have operated overseas and they asked for a little overseas allowance. The Bureau of the Budget recommended it. We did not feel that we wanted to be the least bit oppressive on it. Mr. Chairman, the point of order is conceded.

THE CHAIRMAN: The point of order made by the gentleman from Iowa is sustained.

### ***Representation Allowances***

#### **§ 16.2 Language in a general appropriation bill providing funds for the National Aeronautics and Space Administration for "representation allowances overseas and offi-**

**cial entertainment expenses, to be expended upon the approval or authority of the Administrator," was held to be legislation and not in order.**

On June 29, 1959,<sup>(17)</sup> during consideration in the Committee of the Whole of a supplemental appropriation bill (H.R. 7978), a point of order was raised against the following provision:

The Clerk read as follows:

For contractual research, development, operations, technical services, repairs, alterations, and minor construction, and for supplies, materials, and equipment necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, including not to exceed \$5,000 for representation allowances overseas and official entertainment expenses, to be expended upon the approval or authority of the Administrator. . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I make the point of order against the language on page 4, beginning with the word "including" in line 10 and running through the word "Administrator" in line 13, on the ground that it is legislation on an appropriation bill. . . .

THE CHAIRMAN:<sup>(18)</sup> The Chair recognizes the gentleman from Texas (Mr. Thomas) on the point of order.

MR. [ALBERT] THOMAS: I cannot recall that there was any legislation au-

16. Herbert C. Bonner (N.C.).

17. 105 CONG. REC. 12125, 12126, 86th Cong. 1st Sess.

18. Paul J. Kilday (Tex.).

thorizing this entertainment fund for the Administrator. We reduced it drastically as it was sent up by the Bureau of the Budget. Perhaps it would serve a useful purpose. I think the gentleman's point of order is good and I concede it.

THE CHAIRMAN: The gentleman from Texas concedes the point of order. The Chair sustains the point of order.

**§ 16.3 A section of a general appropriation bill authorizing the Secretaries of Labor and Health, Education, and Welfare to use funds in the bill for official reception and representation expenses was conceded to be unauthorized and was ruled out in violation of Rule XXI clause 2.**

On June 27, 1974,<sup>(19)</sup> during consideration in the Committee of the Whole of H.R. 15580 (Departments of Labor and Health, Education, and Welfare appropriations), a point of order was sustained against the following provision:

The Clerk read as follows:

Sec. 404. The Secretary of Labor and the Secretary of Health, Education, and Welfare are each authorized to make available not to exceed \$7,500 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses.

19. 120 CONG. REC. 21686, 21687, 93d Cong. 2d Sess.

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, I make a point of order against the language to be found on page 37, beginning with line 21 and running through line 25 as being appropriation not authorized by law. . . .

MR. [DANIEL J.] FLOOD [of Pennsylvania]: It is the entire section 404?

Mr. Chairman, we concede the point of order.

THE CHAIRMAN:<sup>(20)</sup> The point of order is conceded and sustained.

***Funds for Presidential Commission***

**§ 16.4 A lump-sum amount for the Civil Service Commission contained in a general appropriation bill was conceded to be in violation of Rule XXI clause 2 where it was shown that a portion of that amount was intended to fund the President's Commission on Personnel Interchange—a Commission established solely by Executive order and not created by law.**

On June 25, 1974,<sup>(1)</sup> during consideration in the Committee of the Whole of the Department of Treasury, Postal Service, and Executive Office appropriation bill, a

20. James C. Wright, Jr. (Tex.).

1. 120 CONG. REC. 21036, 21037, 93d Cong. 2d Sess.

point of order was sustained as indicated below:

THE CHAIRMAN:<sup>(2)</sup> The Clerk will read.

The Clerk read as follows:

For necessary expenses, including services as authorized by 5 U.S.C. 3109 . . . not to exceed \$2,500 for official reception and representation expenses; and advances or reimbursements to applicable funds of the Commission and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; \$90,000,000 together with not to exceed \$18,698,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. . . .

MR. [CHARLES A.] VANIK [of Ohio]: Mr. Chairman, I make a point of order on the language beginning at line 12 on page 12 of this bill with the figures "\$90,000,000" through line 20 ending in the word "adjustments." . . .

Mr. Chairman, it is my understanding that there is in fact no authorization for the President's Commission on Personnel Interchange for which \$353,000 is herein requested. It was created solely by Executive Order 11451 on January 19, 1969.

This House rule is supported in this regard by title 36 of the United States Code, section 673, which also indicates

that no funds should be expended by this body without authorization. The full section of the law reads as follows:

#### TITLE 36, SECTION 673

No part of the public monies, or of any appropriation made by Congress, shall be used for the payment of compensation or expenses of any commission, council or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of commission, council, board, or similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed any detail hereafter or heretofore made or otherwise personal services from any Executive Department or other Government establishment in connection with any such commission, council, board, or similar body. . . .

THE CHAIRMAN: Does the gentleman from Oklahoma desire to be heard on the point of order?

MR. [TOM] STEED [of Oklahoma]: Mr. Chairman, we concede the point of order.

THE CHAIRMAN: The gentleman from Oklahoma (Mr. Steed) concedes the point of order.

The point of order is sustained.

## § 17. Foreign Relations

### *Fishermen's Protective Act*

**§ 17.1 The Fishermen's Protective Act of 1957 was held sufficient authorization for an appropriation to compensate certain vessel owners whose vessels were seized by Ecuador.**

2. B. F. Sisk (Calif.).